

CHAPTER VI

ELECTORAL ROLLS

Amendments of
the Law.

The amendments made in the law relating to electoral rolls have been noticed in detail in Chapter II. In the light of the experience gained, the Commission felt that it resulted in an unnecessary duplication of effort and expenditure to require the preparation or revision of separate electoral rolls for Parliamentary constituencies in addition to the rolls for Assembly constituencies. The Representation of the People Act, 1950, was accordingly amended as already explained in Chapter II so as to provide that the electoral roll for every Parliamentary constituency shall consist of the electoral rolls of all the Assembly constituencies which are comprised within that Parliamentary constituency. In a Union territory, there are no Legislative Assembly constituencies. In such a territory, therefore, it is still necessary to prepare or revise in the usual way the electoral roll for every Parliamentary constituency.

Another amendment has done away with the necessity for the *de novo* preparation of the electoral rolls of a constituency every year and it is now sufficient to revise the existing electoral roll annually.

According to yet another amendment, so long as a person otherwise qualified is ordinarily resident within the constituency on the "qualifying date" he is eligible for enrolment as a voter and it is no longer necessary that he must have been so resident for a qualifying period of 180 days in the preceding calendar year.

At the time of the annual revision of the electoral rolls in 1956, hundreds of Indian citizens were under detention in Goa and other Portuguese territories for an indefinite period. It was universally felt that they should not be made to lose their franchise as a result of their long incarceration which prevented them from qualifying in respect of their ordinary places of residence. An amendment was accordingly made to the Statutory Rules in January, 1957, enabling every such citizen to apply for and obtain inclusion of his name in the electoral rolls through an elector of the constituency in which his name would have been enrolled but for his detention in Portuguese territory.

Qualification for
registration.

The qualifications which a person must possess in order to be registered as a voter in the electoral rolls of Parliamentary

and Assembly constituencies are the same. Every person who on the qualifying date—

- (a) is not less than 21 years of age, and
- (b) is ordinarily resident in a constituency and not disqualified otherwise, is entitled to be registered in the electoral roll for that constituency. The qualifying date in relation to the preparation of or revision of an electoral roll is the first day of March of the year in which the roll is prepared or revised.

The law disqualifies a person for enrolment as an elector if he—

- (a) is not a citizen of India, or,
- (b) is of unsound mind and stands so declared by a competent court, or,
- (c) is for the time being disqualified for voting under the provisions of any law relating to corrupt practices or other offences in connection with elections.

The duty of preparation or revision of the electoral roll for an Assembly constituency (or a Parliamentary constituency in a Union territory) is vested in an Electoral Registration Officer who is an officer of the Government or of a local authority and who has been appointed by the Election Commission in consultation with the Government of the State or the Administrator of the Union territory within which the constituency is situate. The law also permits the Commission to appoint Assistant Electoral Registration Officers to assist an Electoral Registration Officer in the performance of his functions. The Commission made liberal use of this provision and appointed one or more Assistant Electoral Registration officers to assist every Electoral Registration Officer.

Electoral Registration Officer.

An application may be made by an elector to the Electoral Registration Officer for a constituency for having the entry in the electoral roll in respect of himself corrected. The Electoral Registration Officer is empowered by law to make such corrections as may be necessary, when he is satisfied that the entry in question does in fact relate to the applicant and is erroneous or defective.

Correction of entries in the electoral rolls.

Any person whose name is entered in one part of an electoral roll may apply for transposing the entry relating to him to another part of the same roll.

Transposing of an entry.

Any person who is eligible for enrolment as a voter but whose name has not been included in the electoral roll of a constituency may apply to the Electoral Registration Officer for the inclusion of his name in that electoral roll. If, however, such an application for the inclusion of a name is made after the issue of a notification calling upon that Assembly constituency (or the Parliamentary constituency within which that Assembly

Inclusion of name in electoral roll.

constituency is comprised) to elect a member and before the completion of that election, it must be made to the Chief Electoral Officer instead of the Electoral Registration Officer. Where an application for inclusion of a name in the electoral roll was made to the Electoral Registration Officer and has been rejected by him, an appeal may be filed against such order of rejection to the Chief Electoral Officer of the State concerned. Similarly an appeal lies to the Election Commission against an order of rejection passed except in an appeal by the Chief Electoral Officer.

Enrolment of
displaced persons.

Efforts are being made to rehabilitate the millions of displaced persons who have come over to India from areas now in Pakistan as a result of the partition. Their rehabilitation would, however, be incomplete unless and until they have been rehabilitated politically as well. The first step towards such political rehabilitation is obviously to have them registered as citizens of the country and then to extend the franchise to them by enrolling them as electors. According to the Citizenship Act of 1955, citizenship was conferred on certain categories of persons who had migrated to India after the partition of the country in 1947.

In order to have his name enrolled as a voter, a displaced person was required first to get himself registered before the 15th December, 1956, as a citizen of India under the Citizenship Act, 1955. Registration Authorities were set up for the purpose under that Act. A displaced person was required to apply formally for registration as an Indian citizen to the competent registration authority. The displaced persons were naturally anxious to get themselves enrolled as voters early so that they might participate in the second general elections. They were advised by the Election Commission to apply for Indian citizenship in time so that they might be enrolled as Indian citizens before the 15th December, 1956 in which case the Commission undertook to arrange for the enrolment of those amongst them who were otherwise eligible to be voters. Such of the newly registered Indian citizens as were not less than 21 years of age on the first day of March, 1956, and were ordinarily resident in a constituency on that date, were entitled to be enrolled as voters in that constituency, provided they were not otherwise disqualified. In order to expedite the enrolment of their names in the electoral rolls, a provision was made in the law whereby every displaced person on being registered as an Indian citizen, would be automatically considered for enrolment as an elector by the Electoral Registration Officer concerned. Every such person was thus saved the trouble of having to make a formal application for the inclusion of his

name in the electoral roll. A supplementary electoral roll was prepared in respect of the displaced persons who were thus enrolled.

After the first general elections in 1952, the Commission directed that in respect of each of the five years from 1952 to 1956 the annual revision of the electoral rolls in a State should intensively cover one-fifth of the entire area of the State so that every locality might have its electoral roll intensively revised at least once before the second general elections. Apart from this, the Commission also directed the intensive revision of the rolls every year in respect of some special kinds of areas where the electoral rolls were likely to become inaccurate and out of date fairly soon after preparation, *e.g.*, (1) urban areas, (2) areas with a floating labour population or where unrehabilitated displaced persons had congregated, and (3) areas to and from where fairly large movements of population were known to have taken place. That part of the rolls relating to electors entitled to vote by postal ballot was also directed to be intensively revised every year. Having regard to the fact that the second general elections were to be held on the basis of the electoral rolls to be prepared or revised in 1956, the Commission directed all Electoral Registration Officers about the end of 1955 that the rolls for the year 1956 should be prepared or revised as accurately as possible and that special steps should be taken to ensure that the revised rolls for 1956 were finally published in time.

Annual revision
of Electoral Rolls
for 1956.

Consequent on the reorganisation of the States in 1956, a Delimitation Commission was constituted to redelimit the constituencies in the newly formed States, wherever this was necessary as a result of such reorganisation. The Delimitation of Parliamentary and Assembly constituencies Order, 1956, which laid down the limits and extent of every constituency was formally promulgated by the Delimitation Commission on the 19th December, 1956. Authenticated copies of the Order were sent to the States on that very day. As very little time was available between this date and the date settled for the issue of the notifications calling upon the constituencies to elect members, the electoral officers in the States had to work hard and against time for collating the rolls of the newly formed constituencies from the finally published electoral rolls of the erstwhile constituencies. The task was well performed, however, in every State and the collated electoral rolls of the new constituencies were published in time so as not to disturb the time-table for the second general elections. In order to make this possible, electoral officers in the States had been given detailed instructions by the Election Commission and the contents of the proposed Delimitation Order

Collation of
electoral rolls
after the reorgani-
sation of States.

had been communicated in advance to the officers as far as practicable even before it was formally promulgated.

Number of copies of electoral rolls.

The Election Commission has carefully considered the position regarding the number of copies of electoral rolls that should be printed. Under the law, two copies of the rolls are to be supplied free of cost every year to every recognised political party. Apart from this, there are demands for copies of the rolls from local bodies in many areas as they adopt these rolls for the conduct of their elections as well. The possibility of a bye-election has also to be kept in view. The Commission accordingly decided that 200 copies of every electoral roll should be printed in future.

The electorate.

The total number of voters enrolled in 1956 in the whole country (excluding Jammu and Kashmir, Andaman and Minicoy Islands) was 193,646,069. The estimated total population of the country excluding the above areas in that year was 384,370,000. About 50.4% of the total population was thus entered in the electoral rolls. The percentage of the adult population (*i.e.*, persons over 21 years of age) is estimated at about 51 per cent. The enrolment of voters can thus be claimed to have been almost exhaustive. Any complaints of large-scale non-inclusion of voters in the electoral rolls can, therefore, have no real basis at all. Such complaints as were received were entirely local in character. The total number of voters for the first general elections of 1951-52 was 173,213,635. This represented about 96% of the adult population, whereas for the second general elections held in 1957, about 98.8% of the adult population was enrolled as voters.

Enrolment of women voters.

Before the first general elections in 1951-52, the names of many women voters had to be struck off from draft electoral rolls because they had refused to give their proper names to the Registration authorities through some old-world custom and prejudice and they had been entered in the draft rolls not by their own names but by the description of the relationship they bore to some male relation or other, *e.g.*, A's mother, B's wife etc. The Electoral Registration Officers were instructed by the Commission to substitute the proper names of these women voters in the electoral rolls in place of such entries based on relationship. The entries in respect of as many as 2.8 million women voters had to be deleted from the draft electoral rolls as they persisted in refusing to divulge their proper names even at that stage. The name of an elector is an essential part of his or her identity, and has to be included in the electoral rolls according to law. Most of these cases of deletion of entries in respect of women voters arose in Bihar, U.P., Madhya Bharat,

Madhya Pradesh, Rajasthan and Vindhya Pradesh (now a part of Madhya Pradesh).

Immediately after the first general elections, instructions were issued to the Electoral Registration Officers to persuade these women voters to disclose their proper names and then enrol them as electors. Co-operation and help was sought from the political parties and the local women's organisations with a view to breaking down the prejudice in this regard on the part of the women concerned. Women in general have come to value their franchise greatly and those women in respect of whom the entries had been deleted from the rolls in 1951 were in fact very disappointed when they saw their sisters exercising their franchise while they themselves could not do so. The prejudice disappeared readily thereafter and they came out with their proper names even during the very first revision of the electoral rolls undertaken after the first general elections. No State has reported any difficulty in the enumeration of women voters thereafter. About 92,141,597 women voters were registered in the electoral rolls of the whole country for the second general elections. In other words about 94% of adult women have now been registered as voters.

The overall expenditure incurred for the preparation and revision of electoral rolls between the first and the second general elections, *i.e.*, from 1952-53 to 1956-57 was approximately Rs. 5,99,55,719.

Cost of preparation of electoral rolls.

All expenditure on the preparation and revision of the electoral rolls is shared on a 50 : 50 basis between the Central and the State Governments. As the Union territories of Delhi, Himachal Pradesh, Manipur and Tripura are under the direct administration of the Central Government, the whole of the expenditure incurred in these Territories in connection with the preparation or revision of the electoral rolls is borne by the Central Government.

The Commission considers that the registration authorities have a special responsibility for ensuring that the names of the members of the Legislatures who continue to be eligible for enrolment may not be omitted from the electoral rolls through mistake or inadvertence. These members are required to remain away from their constituencies for a considerable part of the year in connection with their duties in the Legislatures and they often find it difficult to verify whether entries in the electoral roll relating to them are continued from year to year. Accordingly the Commission directed the Electoral Registration Officers to make a special check in respect of the entries relating to the members of the Legislatures. This has been done quite satisfactorily. A regrettable instance was,

Enrolment of members of Parliament and State Legislatures.

however, brought to the notice of the Commission in which the name of a sitting member of Parliament did not appear in the relevant Electoral Roll for 1956. The omission was detected too late with the result that the member in question was unable to file his nomination papers in connection with the last general elections. In order to ensure that no such glaring omissions may occur in the electoral rolls in future, the Commission has since directed that—

- (a) an exhaustive list shall be made in respect of every Assembly constituency of the names of all sitting Members of Parliament or the State Legislature whose names appear in the electoral roll of the constituency. The Chief Electoral Officer shall send to the Electoral Registration Officer of each such constituency a copy of this list for the constituency. The list is to be kept up-to-date and the Electoral Registration Officers kept informed from time to time of all amendments made therein;
- (b) at the time of the preliminary publication of the electoral rolls every year, the Electoral Registration Officers concerned are to certify to the Chief Electoral Officer that the name of every member of Parliament or State Legislature has been included in the draft rolls in case he continues to be eligible for such inclusion;
- (c) in every case where the name of any such person has been omitted from the rolls, the Electoral Registration Officer shall report to the Chief Electoral Officer the full facts which justify such omission;
- (d) at the end of every year, the Chief Electoral Officer is to report to the Commission all cases under clause (c) which have occurred in the State with a copy of the report of the Electoral Registration Officer in each case.

Accuracy of the electoral rolls.

The Commission does not claim that the election machinery is perfect. Like all human institutions, it has its shortcomings. Even after the experience gained during the last eight years, and inspite of every effort, quite a number of eligible voters may still have been left out of the electoral rolls.

It would however appear from the percentage of enrolled voters as compared to the total adult population that the electoral rolls are substantially accurate and that there are no large-scale omissions in them. The fact that complaints about the inaccuracy of the rolls were received even during the general

elections from isolated areas only and mostly concerned individual names would also go to support the claim that the electoral rolls are substantially accurate. No doubt, the standard of accuracy could and should be further improved. It is doubtful, however, whether the present machinery employed in the revision of electoral rolls can attain a very much higher standard than obtains at present.

In order that the recognised political parties and their workers could effectively co-operate in the thorough revision of the electoral rolls, a new rule, namely Rule 11(c), was added to the Representation of the People (Preparation of Electoral Rolls) Rules, 1956. In accordance with the provisions of this rule each recognised political party in a State is to be supplied with two complete copies of the draft electoral rolls of the entire State. They were expected to have these electoral rolls checked by their workers and to communicate to the Electoral Registration Officer of every constituency lists showing the names of dead or non-resident voters included in the draft rolls as also the names of eligible voters whose names had been left out. It was agreed between the Election Commission and the representatives of the recognised all-India political parties that these lists would be supplied to the Electoral Registration Officers well before the electoral rolls are published in draft. If this be done, the Electoral Registration Officers can have these lists checked in time and incorporate the necessary amendments in the draft rolls. There would be no necessity in such a case for filing formal claims and objections after the draft publication and proving the same before the Revising Authorities. To the extent that the recognised political parties co-operate in this scheme, the elections officials receive material assistance in keeping the electoral rolls up-to-date and accurate. The response received from the recognised political parties has, however, been very disappointing so far inasmuch as the Electoral Registration Officers have received lists of amendments from the political parties in very rare cases only.

Co-operation of
political parties.

It may perhaps be argued by way of explanation that the 1956 revision of the electoral rolls having taken place shortly before the general elections, and the 1957 revision shortly thereafter, the political parties were too pre-occupied to extend effective co-operation in this regard during these two revisions. Whether this sufficiently explains the apparent apathy of the political parties or not would be clearly proved when more experience has been gained in this regard in course of the annual revision of the electoral rolls during 1958 and 1959. At the end of that period, a final decision will have to be taken as to

whether it is worthwhile continuing to supply the recognised political parties with free copies of the electoral rolls every year.

It should be mentioned that the free supply of these copies is a source of irritation to and complaints from the other political parties which have not yet qualified for recognition. Even independent candidates feel aggrieved in this regard. The provision is criticised as being artificially discriminatory in favour of those political parties which have attained the status of recognised parties on the basis of their past electoral performances and it is alleged that the free copies of the electoral rolls obtained by the recognised parties are utilised solely for election purposes and hardly at all for the purpose for which they are intended, namely, helping the preparation of accurate electoral rolls. A further complaint is made that this system enables all candidates sponsored* by the recognised political parties at an election to obtain free copies of the electoral rolls while all other candidates have to incur expenditure in this regard and that this amounts to discrimination against them. There would certainly be a good deal of force in this criticism in case the supply of free copies of the electoral rolls to the recognised political parties continues to fail substantially in its primary objective of securing the effective co-operation of these parties in making the annual revision of the electoral rolls thorough. It is, however, as yet premature for the Commission to decide whether the system has really proved a failure and should be scrapped.

Co-operation of village organisations.

The Commission has lately been assessing the possibilities of enlisting the co-operation of the village communities themselves in the rural areas in the task of the revision of the electoral rolls. The idea is to hand over one copy of the relevant part of the electoral roll to a responsible and representative village organisation (e.g. the panchayat, gaon sabha, Union Board, community development unit and the like as may be available in each particular area) which would be requested to check the roll and to return it promptly with a list of necessary amendments say, within a week or so. These lists could then be treated as informal suggestions for amendments and after the necessary scrutiny by the normal revising agencies these lists could be incorporated in the draft electoral rolls before formal publication. Villagers were sounded by the Commission in a few areas in some States and their reactions to the suggestion were encouraging. The Commission is already in communication with the State Governments for assessing the possibilities of this method of introducing an independent and additional check by the electorate themselves. To the extent the villagers can be enthused in this regard, the annual revision of the rolls in the

rural areas would become more effective and satisfactory. If the method is finally adopted, there should be no further occasion for complaints in respect of the electoral rolls from the electorate at least.

Until and unless the political parties or other social organisations and the eligible voters themselves extend their full co-operation during the annual revision of the electoral rolls, it would be a well nigh impossible task to ensure complete accuracy in the electoral rolls. The future will show how far such co-operation will be available to the election machinery.